

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Laurent DE VOLDER

Serial No.: 10/018,302

Group No.: 2854

Filed: November 8, 2002

Examiner: E. Eickholt

For: PROCESS FOR INKING A PRINTING PLATE WITH THERMOPLASTIC
 INKS AND INK TANKS TO BE USED THEREIN

Attorney Docket No.: U 013688-5

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Attention: Patricia Faison-Ball
 Senior Petitions Attorney
 Office of Petitions

RESPONSE TO ON PETITION, RENEWED PETITION
AND
PETITION FOR SUPERVISORY AUTHORITY UNDER 37 CFR 1.181

The decision On Petition of March 31, 2008, cannot find the copy of the signed mailing certificate of August 13, 2003, that was filed August (22) 24, 2005, but "assumed" that it was signed belatedly.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

- ☐ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

FACSIMILE

- ☐ transmitted by facsimile to the Patent and Trademark Office to **(571)-273-8300**

Date: April 28, 2008

Signature

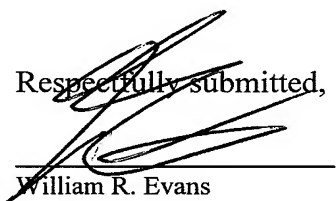
(type or print name of person certifying)

Yet another copy of the AMENDMENT AFTER ALLOWANCE (including drawings) of August 13, 2003, is attached to show yet again its signed mailing certificate of August 13, 2003, to assert yet again the benefit thereof against the complete absence of contrary evidence, the original having been lost in the Patent Office according to the Notice of October 10, 2003 (copy attached), which started the long delay of this case.

Supervisory Authority is requested, because the undersigned is unaware of any Statute or Rule that permits any decision by assumption. Reconsideration of the decision of March 31, 2008, on the facts is requested.

The facts given above are sufficient for acceptance of the drawing and, therefore, issue of the patent. However, many other facts are of record, whereby assumption is as unnecessary as it is inappropriate for a basis of decision.

Respectfully submitted,



William R. Evans
c/o Ladas & Parry LLP
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New York, New York 10023
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AMENDMENT AFTER ALLOWANCE

Please amend the above application as follows:

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

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Trademark Office

Signature

Date: August 13, 2003

William R. Evans

(type or print name of person certifying)

IN THE DRAWINGS

In Figs. 5-11, members 6, 7, 9, 8, 7, 10 and 6, respectively, were originally shaded to indicate heating. On the attached replacement sheets of these Figs. the shading is replaced zig-zag phantom lines that may suggest heating by zig-zag resemblance to electrical resistance but do not introduce such electrical resistance because in phantom lines.

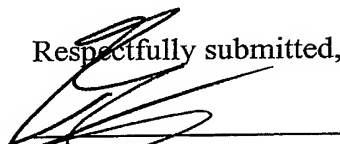
In Figs. 9-11, more familiar liquid-indicating shading is used for ink 14.

REMARKS

The changes are needed for proper disclosure and compliance with the Notice of Draftsperson's Patent Drawing Review.

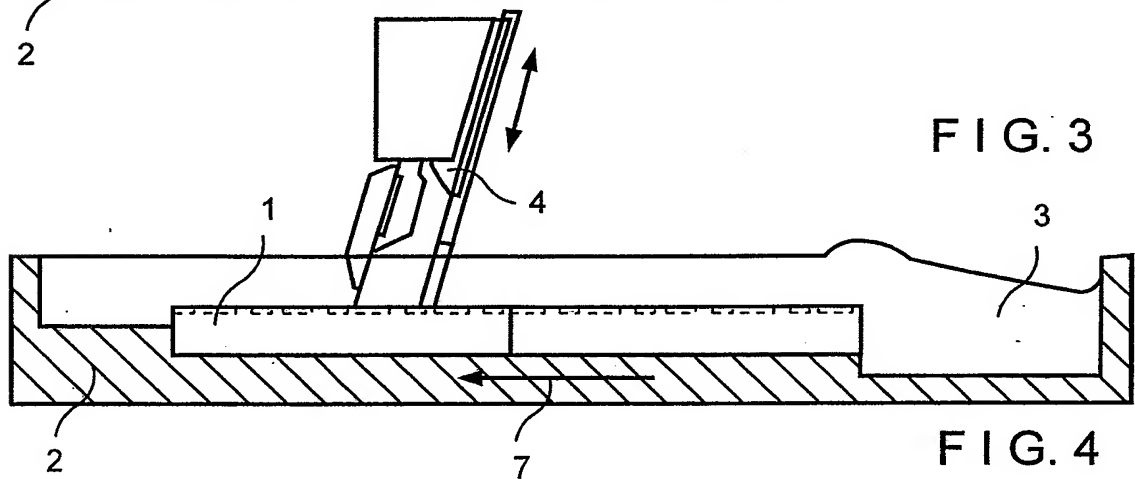
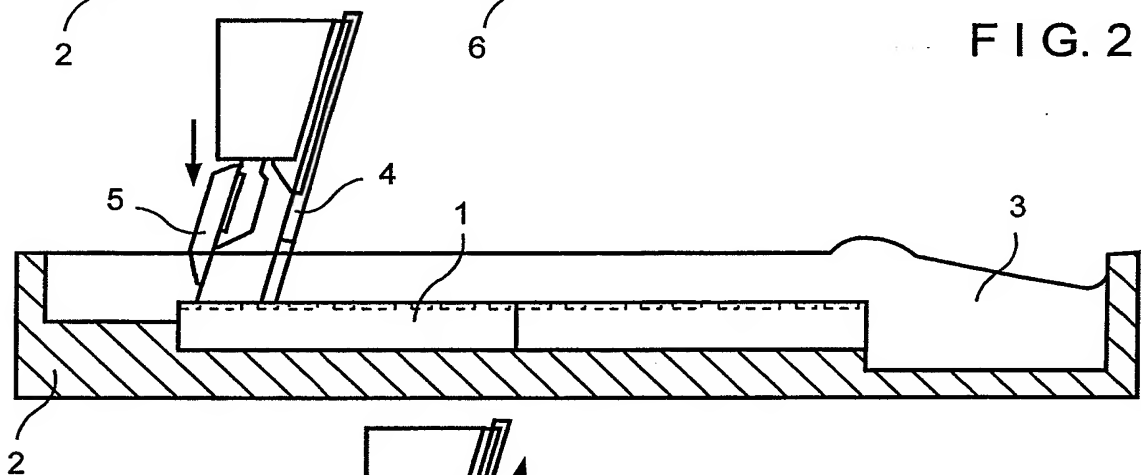
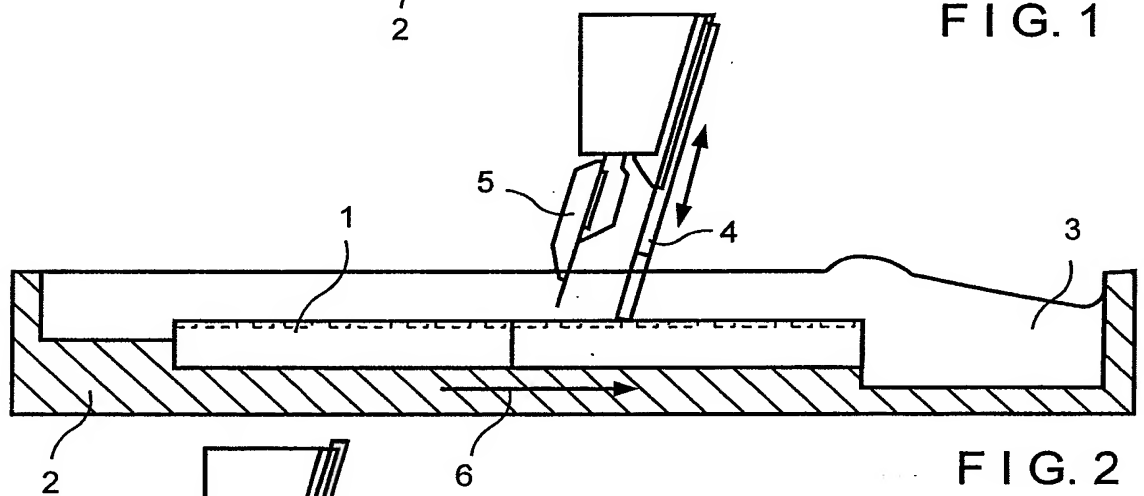
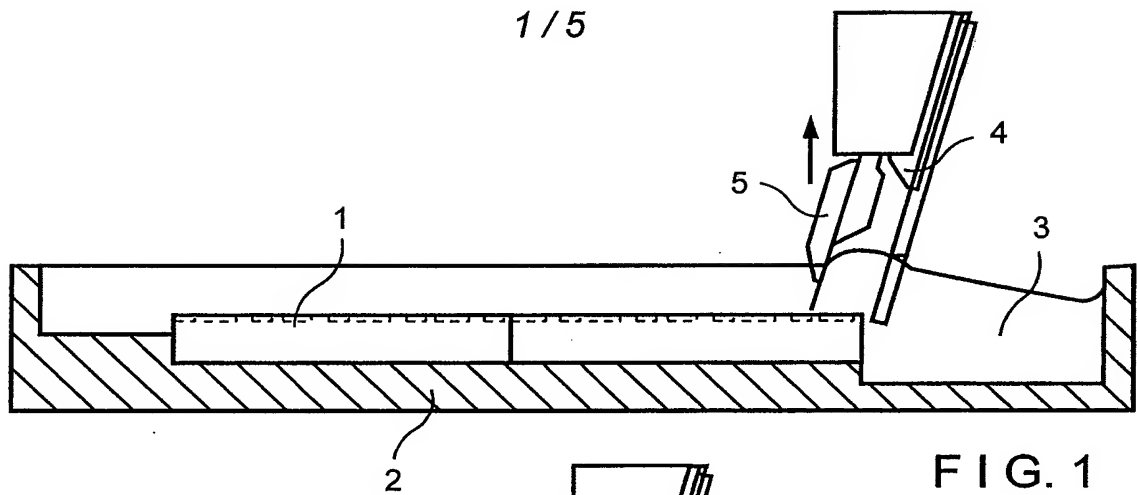
No substantial amount of additional work is required on the part of the PTO, because only drawing shadings are changed.

Respectfully submitted,

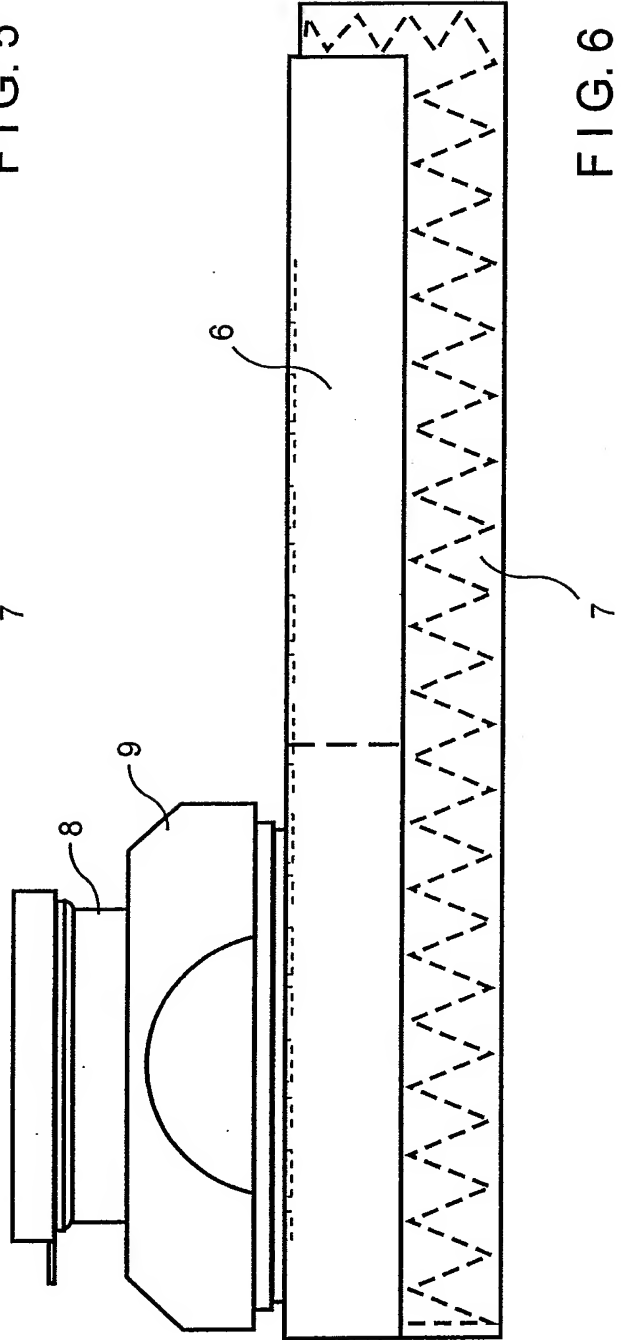
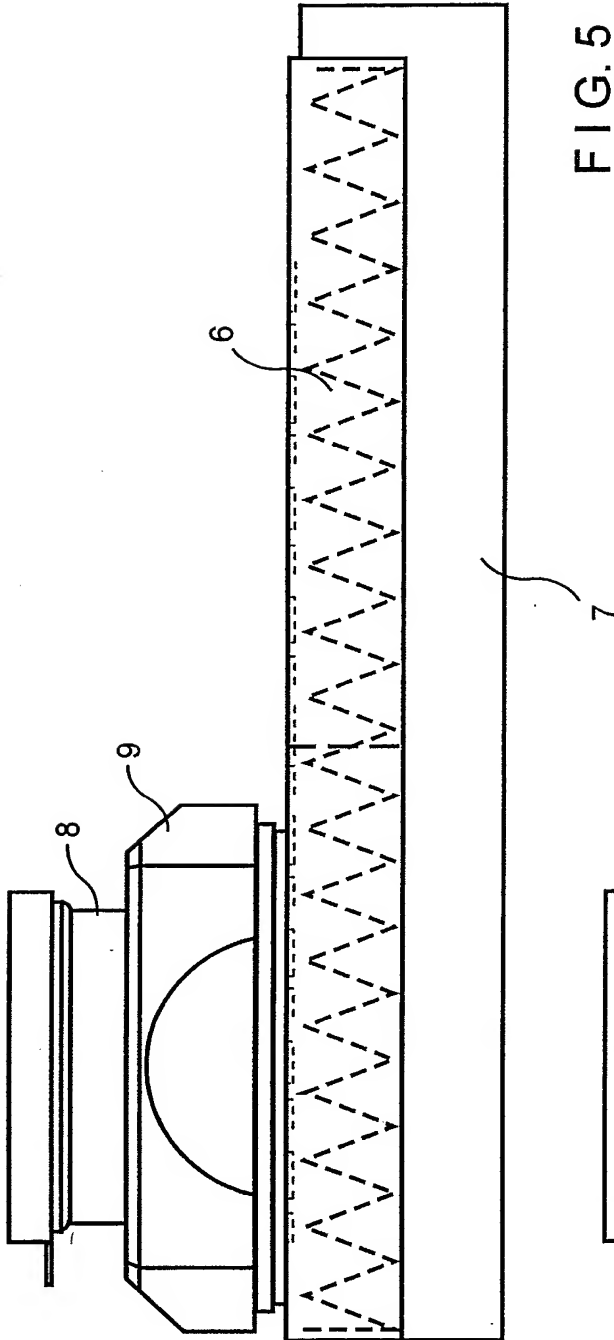


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1/5



2/5



3/5

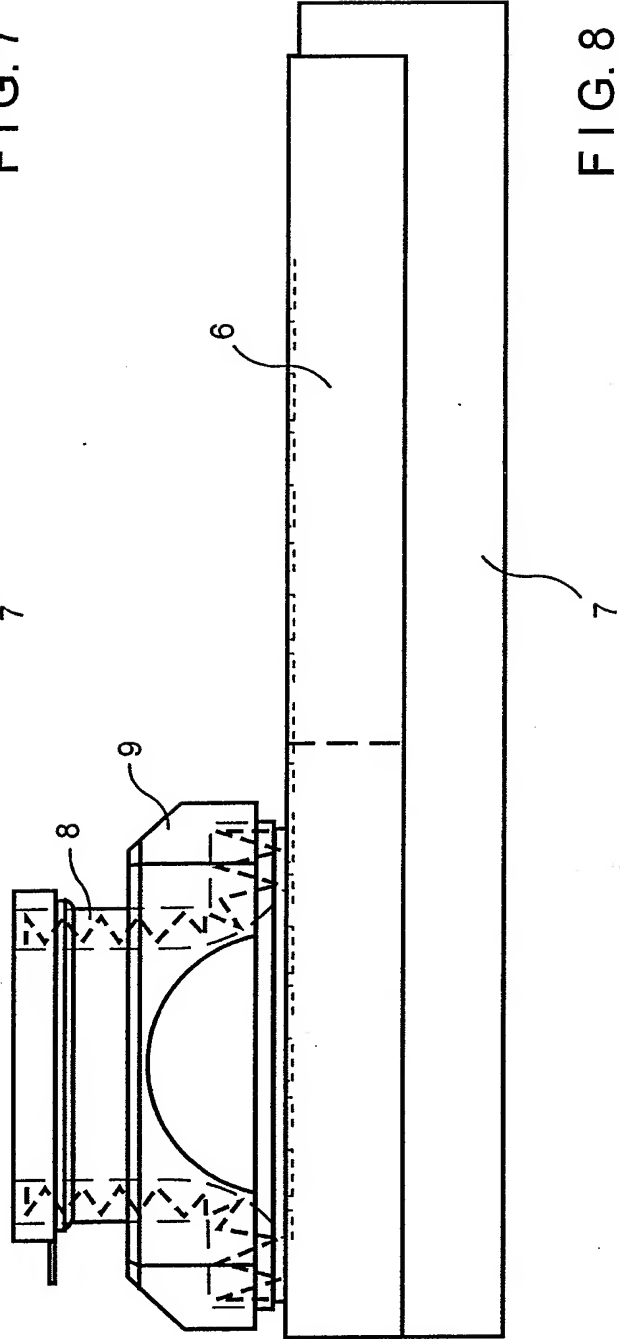
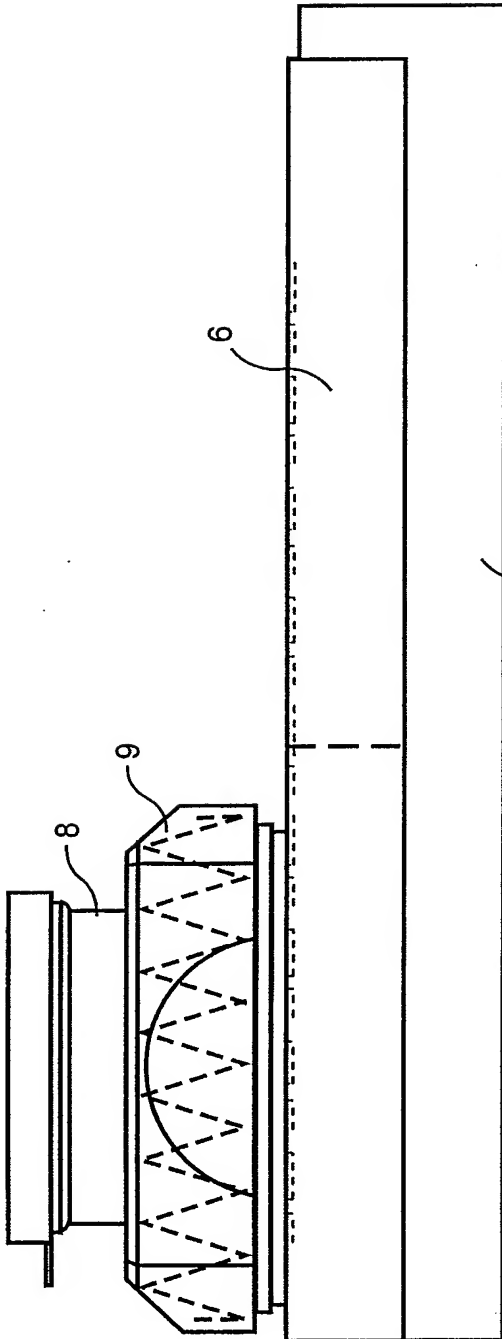


FIG. 9

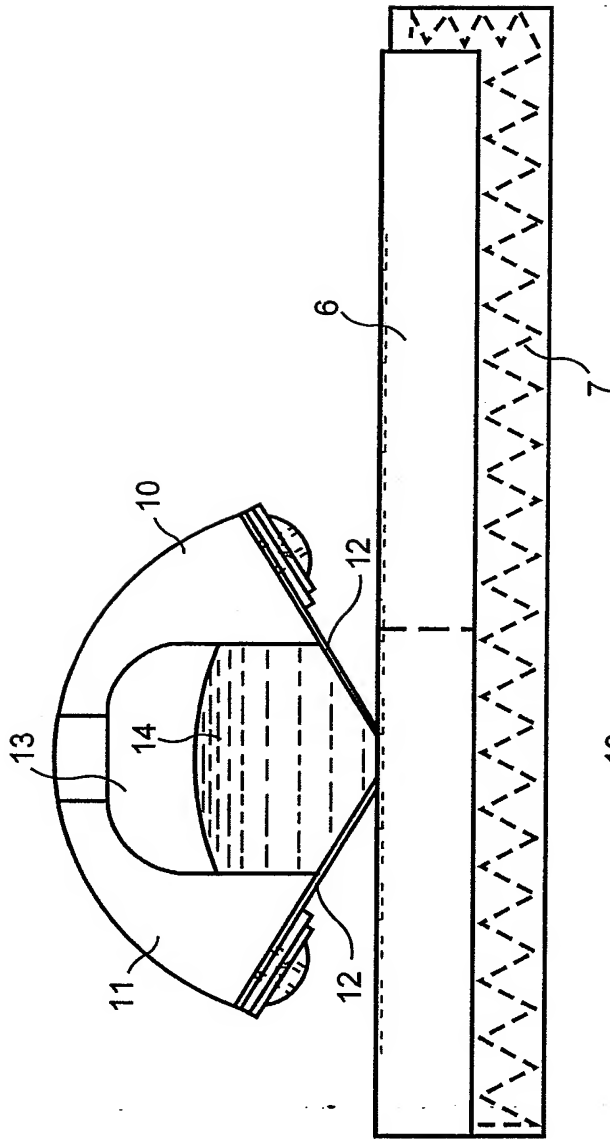
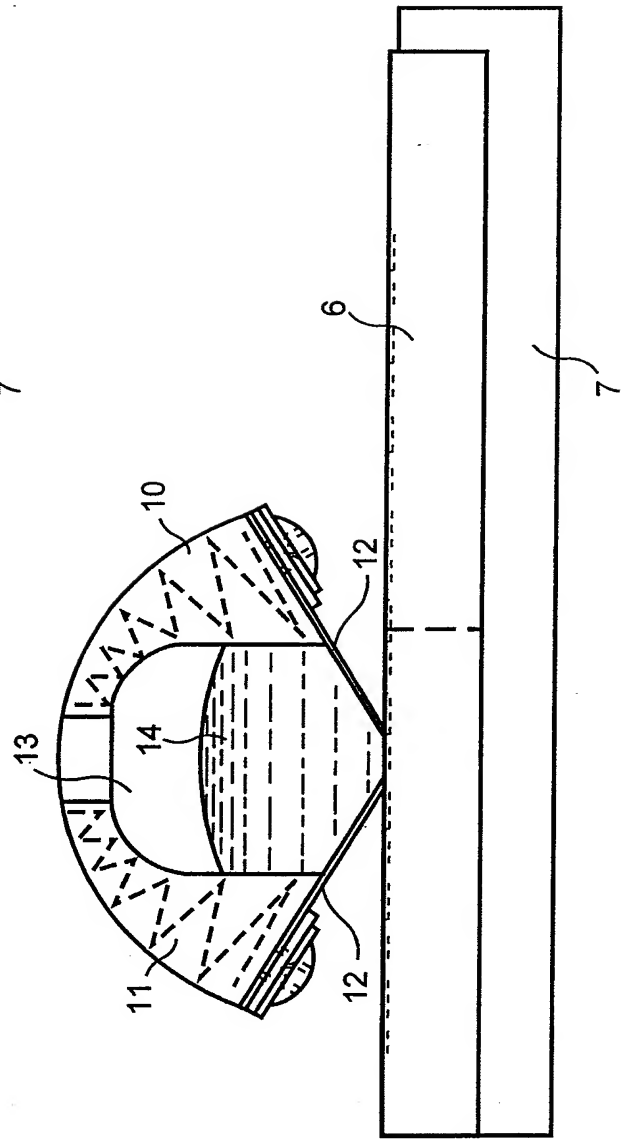


FIG. 10



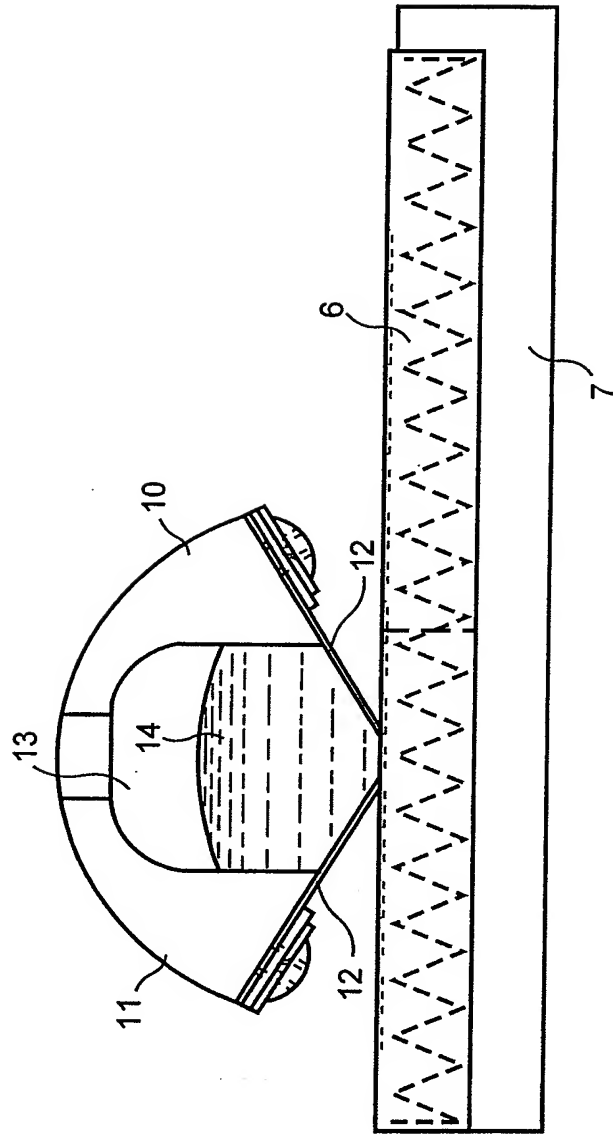


FIG. 11

WRE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,302	11/08/2002	Laurent De Volder	U 013688-5	4884

140 7590 10/10/2003

LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, NY 10023

EXAMINER

BICKHOLT, EUGENE H

ART UNIT PAPER NUMBER

2854

DATE MAILED: 10/10/2003

p # 9

RECEIVED

OCT 17 2003

L. & P.

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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10/018, 302

EXAMINER

ART UNIT	PAPER NUMBER
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P # 9

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on _____.
- ☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed response was received on _____, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).
- ☐ No response has been received.
- ☐ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- ☐ The submitted issue fee of \$_____ is insufficient. The issue fee required by 37 CFR 1.18 is \$_____.
- ☐ The issue fee has not been received.
- ☒ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- ☐ The proposed new formal drawings filed _____ are not acceptable.
- ☒ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

**ABANDONMENT
CONTACT PERSON IS:
TOM HAWKINS
305-8380**

Respond to the Notice of Abandonment by one of the following:

Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I) and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181, to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

- 37 CFR § 1.8(b) Certificate of Mailing
- 37 CFR § 1.10 "Express Mail" mailing
- MPEP 503 Postcard Receipt as Prima Facie Evidence

Petition To Withdraw Holding Of Abandonment should be addressed as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Mail Stop: Issue Fee, Alexandria, VA 22313-1450

By facsimile: 703-305-8755 or 703-305-4372

Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (See MPEP 711.03(c) II). No fee required

Where an applicant contends that the original Notice of Allowance and Issue Fee Due was never received. If adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
(Mark attention of a particular office or individual)

By facsimile: Technology Center numbers posted at <http://www.uspto.gov/september1/faxnotice.htm>

Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g. the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) unavoidable or (b) unintentionally (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By hand: Crystal Plaza 4, Rm. 3C23, 2201 Clark Place, Arlington, VA

By facsimile: 703-308-6916

Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a) and Unintentionally Under 37 CFR 1.137(b), forms available at USPTO website – <http://www.uspto.gov>

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment.